

**City of Taylorsville
Planning Commission Meeting
Minutes
June 12, 2012
Pre-meeting – 6:00 p.m. - Regular Session – 7:00 p.m.
2600 West Taylorsville Blvd – Council Chambers**

Attendance:

Planning Commission

Garl Fink, Chair
Ted Jensen
Steven Faurischou
Anna Barbieri
Dale Kehl
Dan Fazzini, Jr.
Israel Grossman
Curt Cochran (Alternate)

Community Development Staff

Mark McGrath – Director
Michael Meldrum – Principal Planner
Dan Udall – City Planner
Jean Gallegos – Admin Asst/Recorder

PUBLIC: Connie Cox, Danielle Wiley, Salema Palomino, Ken Scott, Ben Scott, Justin Hadley, Taunie Anderson, Jessica Becerra

WELCOME: **Commissioner Fink** assumed duties as Chair and welcomed those present, explained the process to be followed this evening and opened the meeting at 7:00 p.m.

CONSENT AGENDA

Agenda/File #	Application	Applicants	Action
1. 7H12	Salema Palomino – 6041 South 4000 West – Family Day Care		Approved with staff recommendations.
2. 19C12	Dale Kehl – 3544 West 6200 South – CUP – Electronic Message Center Sign.		Approved with staff recommendations.
3. 20C12	Justin Hadley – 4386 South Redwood Road – Monopole (Prelim)		Approved with staff recommendations.
4. 23C12	Kenneth Scott – 5482 South Hugoton Drive – CUP – Backyard Chickens.		Approved with staff recommendations.

Commissioner Kehl abstained because he was the applicant for one of the items on the Consent Agenda.

MOTION: **Commissioner Fazzini-I** move for approval of the Consent Agenda consisting of a home occupation for a family day care (7H12), a conditional use for an electronic message center sign (19C12), a conditional use for a monopole (20C12) and a conditional use for backyard chickens (23C12).

SECOND: **Commissioner Barbieri**

VOTE

Commissioner	Vote	Commissioner	Vote	Commissioner	Vote
Faurischou	AYE	Jensen	AYE	Fink	Chair
Fazzini	AYE	Barbieri	AYE	Cochran	Alt
Kehl	Abstained	Grossman	AYE		
Motion passes 5 to 0					

HOME OCCUPATION

5. 6H12 – **Taunie Anderson – 1060 West 4800 South** - Preschool. (Michael Meldrum/Principal Planner)

5.1. **Mr. Meldrum** presented this item. The applicant has requested a preschool home occupation, which is listed in Title 13 as a conditional use in the Taylorsville Code of Ordinances. The applicant is proposing to have two sessions of twelve students each per week day. The hours of operation are from 9:00 a.m. to 4:00 p.m. Monday through Friday. The morning session will begin at either 9:15 or 9:30 and end at noon. The afternoon session will begin at 1:00 p.m. and end at 3:30 p.m. The applicant has a parking area on the property that will allow for safe drop-off and pick up of students. The proposed hours of operation are compliant with Section 13.57.057 of the Zoning Ordinance. The applicant has stated there will be no remodeling needed to accommodate this use. An existing out building is proposed as the location for the home occupation. The yard is fenced with two different types of fencing (chain link and wood). The fence is 6 feet in height and in good condition. The Fire Marshal recommends approval with three conditions: (1) Two exits are required from all areas where children are located. For basement and floors above the grade level, rescue windows that meet code are required. For children under the age of two, one of the exits must be a door that leads directly outside; (2) Smoke detectors are required in all sleeping rooms and halls leading to sleep rooms. Fire extinguishers are required on each level minimum size classification 2A-10-BC; (3) This project must meet all local building and fire code requirements. The Building Official recommends disapproval with the following comments: (1) Obtain the approval of the Fire Authority for the number of children allowed and for the location of the day care in the home; (2) Supply a letter defining how accessibility will be provided for the disabled public or employees

Findings of Fact: Staff finds the following findings of facts or reasons regarding **File # 6H12:**

1. Two sessions of twelve children each are proposed.
2. The proposed hours of operation are from 9:00 a.m. until 4:00 p.m., Monday through Friday.
3. An existing out building is the proposed location for the preschool.
4. A second care provider is required when the number of children exceeds eight.
5. The maximum number of children per session is limited by ordinance to twelve.

Staff recommends approval of File #6H12 with the following conditions: Staff recommends approval.

1. Receive approval from and remain compliant with all applicable reviewing agencies.
2. The Conditional Use Permit is subject to review upon substantiated and unresolved complaints. Complaints which cannot be resolved by Staff may be grounds for permit revocation.
3. A maximum of a 3-square foot sign attached to the single-family home is allowed.
4. A maximum of twelve children per session is allowed as provided in Section 13.57.057 of the Zoning Ordinance.
5. **[Changed by Motion]** A maximum of two sessions per week day (Monday through Friday) are allowed between the hours of 9:00 a.m. and 4:00 p.m. **That there is at least a one hour break between the two sessions.**
6. A second care provider is required for sessions that have nine or more children.
7. Adequate parking is provided on site to accommodate the homeowner's vehicles and drop-off and pick-up of students.
8. The additional Class D Home Occupation permits are permitted while this use is in operation.
9. The applicant must reside in the home.
10. The home occupation must be clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the dwelling or property for dwelling purposes.

Anonymous letter was received in opposition to this which **Mr. Meldrum** read aloud to the Commission and audience. The letter contained 15 issues and the author wanted to go on record in opposition to this day care use. (7:14)

5.2 **APPLICANT ADDRESS** Taunie Anderson and her husband were present to answer questions. **Commissioner Fink** asked Mrs. Anderson to address the concerns mentioned in the anonymous letter and she and her husband addressed those issues and answered questions asked by the Commissioners to their satisfaction.

5.3 **SPEAKING:** None came forward.

5.4 **DISCUSSION:** **Commissioner Kehl** asked Mrs. Anderson if she had reviewed Staff's recommendations in their report and she said she had and saw no problems with any of the conditions. **Commissioner Kehl** suggested that the applicants may want to put forth a little more effort in the maintenance of their property. **Commissioner Cochran** wanted to know if the south-most building was the residence and the north-most building the garage and was informed by **Mrs. Anderson** that was the case. **Commissioner Cochran** then asked what the building was in between and was informed that was the pre-school.

5.5 **MOTION (7:28) Commissioner Barbieri - Based on the Findings of Fact and Staff's recommendations 1 through 10, I move for approval of File #6H12.**

SECOND: Commissioner Faurschou

DISCUSSION: Commissioner Jensen suggested including that there be an hour between the two sessions on #5.

(7:29) Commissioner Barbieri agreed to change #5 to read a maximum two sessions per week day, Monday through Friday are allowed between the hours of 9:00 a.m. and 4:00 p.m. with a minimum one hour break between the two sessions. **Commissioner Faurschou** agreed with that change as Second.

VOTE					
Commissioner	Vote	Commissioner	Vote	Commissioner	Vote
Faurschou	AYE	Jensen	AYE	Fink	Chair
Fazzini	AYE	Barbieri	AYE	Cochran	Alt
Kehl	AYE	Grossman	AYE		
Motion passes					

6. 8H12 – **Jessica Becerra – 3617 West Desert Fox Circle** - Preschool. (Michael Meldrum/Principal Planner) (7:30)

6.1 **Mr. Meldrum** presented this item. The applicant is seeking approval for a home occupation for an in-home pre-school to be held in the basement of her home. The applicant has submitted a fire escape plan with her application. The proposed hours of operation are Monday-Friday from 9:00 a.m. to 4:00 p.m. The applicant proposes to have two sessions with 12 children per session. The morning session would begin at 9:00 a.m. and end at 11:30 a.m. The afternoon session would begin at 1:00 p.m. and end at 3:30 p.m. Each session will be supervised by two adults. Hours and days of operation are compliant with Section 13.57.057 of the Zoning Ordinance. The applicant has indicated that a new basement entry will be provided after approval by the Planning Commission. The new basement entry will be ADA accessible. In Staff's opinion, the addition of a new basement entry will not change the residential character of this home since many homes in the City have either daylight or basement entries. The property has a 6' high wooden fence, which is in good condition except for one three-foot section that needs to be replaced. The applicant is aware of this and intends to replace it. The parking area has sufficient space to handle three cars at a time. Any additional cars can be parked on the street in front of the home for drop-off and pick-up of students. **Mr. Meldrum** added that there were no complaints or comments received by Staff regarding this application. **Commissioner Fazzini** asked for clarification on the street parking and whether workers or people dropping off children can park in front of other residences. **Mr. Meldrum** replied that if they are parking on the street for drop off or pick up, those are public spaces available to anybody provided they are parked legally. With regards to the providers, they must be parked off the street and out of the public right-of-way. **Commissioner Faurschou** asked if this home has just a single car driveway. **Mr. Meldrum** said that it looks

to be a single car driveway. Commissioner Cochran asked how many cars are going to be coming at any given time. Mr. Meldrum advised that he did not have the answer to that question but there is the potential for 12 per session. (7:35)

Findings of Fact for File #8H12:

1. The home occupation is allowed as a conditional use in the R-1-8 zone.
2. The home occupation does comply with the hours of operation as identified in Section 13.57.057 and as agreed upon by the applicant.
3. The applicant proposes to install a new basement entry door for exiting purposes if the Planning Commission grants approval of the Conditional Use Permit (home occupation).
4. The Fire Marshal has recommended disapproval until the basement door is installed for exiting purposes.

Staff recommends approval of preliminary Conditional Use Application #8H12 with the following conditions:

1. Receive approval from and remain compliant with all applicable reviewing agencies.
2. The Conditional Use Permit home occupation is subject to review upon substantiated and unresolved complaint(s).
3. That a maximum 3-square foot sign attached to the single-family home is allowed.
4. That adequate parking is provided on site to accommodate the homeowner's vehicles and arriving vehicles for preschool drop-off that are coming to the home.
5. Adequate outdoor lighting must be provided.
6. No additional Class D Home Occupation permits are permitted while this use is in operation.
7. That the home occupation is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the dwelling or property for residential purposes.
8. That the applicant lives in the existing home.
9. [Changed by Motion] Hours of operation are limited from 9:00 a.m. to 4:00 p.m., Monday through Friday with a minimum of one hour break between sessions.
10. Prior to operation of the preschool, a new basement entry must be installed to meet Fire and Building Code requirements for exiting.
11. [Changed by Motion] The 3-foot section of fence must be replaced or repaired prior to operation of the preschool and the fence maintained in good condition.
12. [Added by Motion] That the house number be provided on the home.
13. [Added by Motion] That the property is maintained in good condition.

6.2 **APPLICANT ADDRESS:** Jessica Becerra was present to answer questions. Commissioner Kehl asked her if she had seen the recommendations in the Staff Report and she replied she did not receive one. Mr. Meldrum advised he had sent that report to her E-Mail address. Commissioner Kehl was concerned that she had not seen the conditions and asked if Staff had gone over any of them with her and she replied that had happened verbally. Commissioner Cochran asked her the question about how many cars would be expected to arrive at the same time. Mrs. Becerra said that at this time she has no students and would, therefore, be happy to have nine at a time. They have also talked about offering a car pool van in order to bring the students in to cut down on the amount of traffic. She plans to get rid of the extra cars that are on the site now before she begins her preschool. Commissioner Fazzini asked her to address the relatively poor maintenance on the lot. Mrs. Becerra said that they are in the process of fixing up the house and cleaning up the lot. Commissioner Fazzini commented that the house number was very difficult to read and suggested that she replace that for safety reasons. Commissioner Barbieri commented that the little out building at the end of the driveway was open during her site visit and apparently contains gasoline, etc., and she wanted to make sure that would be closed off when the preschool begins, to which Mrs. Becerra agreed. Commissioner Kehl was confused about the available parking saying that with the driveway only being wide enough for one car, he wondered if one could be parked in front of the other and accommodate two. It is a pie shaped area and he wondered if they planned to enter on the narrow driveway and veer off to the right for added parking. Mr. Meldrum said that was incorrect, that they are going to park on the street. Commissioner Kehl said his main concern was that the applicant has room to park two cars on site in order to accommodate her employee. Commissioner Fazzini offered that parking regulations stated that the sidewalk cannot be covered with the car and cannot be in front of a mail box, which means parking a car with wheels to the curb in front of the house is probably not permissible because the car would cover the driveway in order to do that. Mr. Meldrum said that if the sidewalk portion is being covered that would not be legal. Commissioner Fazzini then asked what if the vehicle is parked in the street and blocks their own driveway. Mr. Meldrum said that he did not know the answer to that. (7:42) Commissioner Barbieri asked Mr. Meldrum where the property line is indicated on the aerial. Mr. Meldrum said that line shown is probably a little bit skewed and actually slides to the north of that a bit. It is just on the other side of the driveway on the displayed image. (7:44)

6.3 **SPEAKING:** None.

6.4 **DISCUSSION:** Commissioner Barbieri suggested that on Staff Recommendation #9, that a minimum one hour break between sessions be included. Also a recommendation that house numbers be placed on the home for emergency vehicles.

6.5 **MOTION:** Commissioner Jensen – I move to approve File #8H12 with 11 Staff Recommendations, with the following changes: #9 – The hours of operation are limited to 9:00 a.m. to 4:00 p.m., Monday through Friday, with a minimum of one hour break between sessions. #10 stays the same. #11 The 3-foot section of fence must be replaced or repaired prior to operation of the preschool, and the fence maintained in good condition. #12 That the house number be provided on the home. #13 That the property is maintained in good condition.

SECOND: Commissioner Fazzini

DISCUSSION: Commissioner Kehl mentioned that there was a question about the need for an additional exit which needs to be addressed by the application. Mrs. Becerra was asked to come forward to address that issue. She said on the east or back side of the house, there is a large window in what was a bedroom. They planned to remove that window and replace with a door going outside via a ramp. Commissioner Fazzini wanted to know how far below grade that would be. Mrs. Becerra said she was not sure but that her basement is tall. Commissioner Kehl asked if the cement floor in the basement and the dirt outside were pretty close in height.

Mrs. Becerra said that would be correct. Commissioner Fazzini commented that if it is 3', she will need 36' of ramp in accordance with ADA Code. Mr. Meldrum added that a building permit would be required in order to put in that access and that will be reviewed as part of the building permit. Commissioner Barbieri complemented the applicant on taking on a pretty rough piece of property and that she appreciated their hard work thus far.

VOTE					
Commissioner	Vote	Commissioner	Vote	Commissioner	Vote
Faurschou	AYE	Jensen	AYE	Fink	Chair
Fazzini	AYE	Barbieri	AYE	Cochran	Alt
Kehl	AYE	Grossman	AYE		
Motion passes 6 to 0.					

CONDITIONAL USES

7. 22C12 – Danielle Willey/Connie Cox – 4779 South 1815 West – Conditional Use Animal Hobby Permit (Dan Udall/City Planner) (7:47)

7.1. Mr. Udall presented this item. The applicant has requested a conditional use permit for an animal hobby permit for two German Shepherds, one Labrador mix, one Labrador Retriever and a Pug. The Labradors and the Pub are indoors 80 percent of the time and outdoors 20 percent of the time. The applicant has stated that the German Shepherds are outdoors most of the time and indoors occasionally. In May 2012, Animal Services received a complaint that a German Shepherd was running at large or escaped their property. Animal Services did not see the dog escape the property; however, because the applicant has five dogs, they were informed to obtain an animal hobby permit through approval by the Planning Commission. The applicant stated they are fostering one dog that will be removed two weeks after the Planning Commission meeting and that dog is not part of the application. There is a chain link fence, a wood wall, and a block wall surrounding the entire rear yard. Staff received one complaint from a neighbor opposing this application but the letter gave no specific reasons for doing so.

Findings of Fact: Staff finds the following findings of facts or reasons regarding File # 22C12:

1. That the applicant is proposing an animal hobby permit for five dogs.
2. That the animal hobby permit is a conditional use.
3. Currently there are five dogs located on the property (with the exception of one additional dog that will be removed approximately two weeks from the date of the Planning Commission meeting on June 12, 2012).
4. There was one response by Animal Services to the property. A dog was running at large or escaped the property.

Staff recommends approval of File #22C12 with the following conditions:

1. Receive approval from and remain compliant with all applicable reviewing agencies.
2. Conditional Use Permit is subject to review upon substantiated and unresolved complaints. Complaints which cannot be resolved by Staff or West Valley Animal Services personnel may be grounds for permit revocation.
3. Property violations (if any) must be resolved prior to issuance of an animal hobby permit.
4. The applicant needs to comply with all requirements that are applicable under Chapter 8 (animal permit regulations). All dogs need to be licensed.
5. That the perimeter fence and wall is maintained and secured.
6. That a letter be submitted to City Staff that the foster dog will be removed from the property by June 26, 2012. (Mr. Udall advised during his presentation that he had received this letter from the applicants).

7.2 APPLICANT ADDRESS Both applicants (Connie Cox and Danielle Wiley) were present. (7:51) Commissioner Fink asked which dog was running wild. The applicant said that dog was actually fence fighting at that time (barking at another dog at the fence). Commissioner Jensen asked if the fence is secured in such a way that that won't be a problem in the future. Applicant replied that was correct. Commissioner Fink asked her to explain the fencing. She replied that there is a block wall on the north side of the house, on the south side is chain link and on the back side there chain link and wooden fencing. Commissioner Cochran asked how large the lot size is and was informed by the applicant it was approximately a quarter of an acre. Commissioner Fink explained to the applicants that permission runs with the animals and if one should pass away it may not be replaced under this permit. (7:53)

7.3 SPEAKING: None

7.4 DISCUSSION: None.

MOTION: Commissioner Fazzini - Based on the Findings of Fact, testimony heard this evening and six conditions as listed in the Staff Report, I move for approval of File #22C12.

SECOND: Commissioner Faurschou.

VOTE					
Commissioner	Vote	Commissioner	Vote	Commissioner	Vote
Faurschou	AYE	Jensen	AYE	Fink	Chair
Fazzini	AYE	Barbieri	AYE	Cochran	Alt
Kehl	AYE	Grossman	AYE		
Motion passes 6 to 0.					

DISCUSSION ITEM

8. Discussion regarding the Sign Ordinance. (Mark McGrath/Director of Community Development) (7:56)

8.1. **Mr. McGrath** presented this item. **Mr. McGrath** said that as he mentioned in the work meeting, the issue to be discussed this evening was that of electronic billboards and the conversion from regular traditional billboards into the new electronic billboards that are internally lit. He felt that everybody was familiar with that concept. He showed an example of one on the image screen. He noted that they are much brighter, especially at night, much more visible, much more vivid than the externally lit billboards. He showed a map that illustrates where each of the seven billboards are in Taylorsville. They are mostly centered on Redwood Road. Five of the existing billboards are located from approximately 4200 South on Redwood Road down to about 5500 South on Redwood Road. Most of those were approved by Salt Lake County right before the City of Taylorsville incorporated. There are a couple of billboards around 5400 South and Bangerter Highway as well. The reason for showing the map was to give the Planning Commission a feel for the potential impact of these types of billboards on especially residential areas. He felt the billboards could be especially obtrusive where they are almost immediately adjacent to a residential area and showed some of the examples that depict that. As it stands right now, there is nothing in the current Code that prohibits the conversion of any of these billboards into an electronic billboard. It is an issue that needs to be studied and an ordinance developed that does cover it. He advised that he is requesting that the Planning Commission to make a motion requesting to the City Council that they adopt a six month notice of pending ordinance change so that in case an application is filed by a sign company to convert one of these billboards to an electronic billboard that the application could not be processed due to the pending ordinance change until the new ordinance is developed. Whatever rules and regulations are developed during this period of time, the application would need to conform to that regulation. **Commissioner Fink** asked if the Commission makes that motion, would **Mr. McGrath** be the one who presents it to the City Council and **Mr. McGrath** replied in the affirmative. He said that he would be presenting a draft to the Commission probably in August.

MOTION: Commissioner Jensen - I would like to make a motion. Based on the discussion tonight, I would like to make a motion to propose to the City Council a six months pending ordinance change in regards to electronic billboards in the City of Taylorsville, based on the following facts: (1) That the City is in the process of approving a new Land Use Ordinance; (2) That there are safety issues especially with four faced signs on a six lane highway (Redwood Road); (3) That there have been past issues in the City related to electronic signs and the safety thereof and (4) That there always has been in Taylorsville a prohibition on having no new billboards in both the old and new ordinances. All of those reasons justify a six month discussion period. (8:02) **Commissioner Kehl** asked for clarification of the comment about not allowing any new billboards. **Mr. McGrath** said that was correct as far as he understood it. **Commissioner Kehl** said then that he had no problem with it and just wanted to make sure.

SECOND: Commissioner Barbieri

VOTE					
Commissioner	Vote	Commissioner	Vote	Commissioner	Vote
Faurschou	AYE	Jensen	AYE	Fink	Chair
Fazzini	AYE	Barbieri	AYE	Cochran	Alt
Kehl	AYE	Grossman	AYE		

Motion passes 6 to 0.

DISCUSSION: Commissioner Jensen wanted to be sure all sign related issues were included in the motion, so that there is justification behind the proposal. **Commissioner Kehl** commented that he thought that the new Code must be about ready for approval by now. He wanted to know if their review included any changes to the sign ordinance portion. **Mr. McGrath** said that the only issue that is not entirely resolved at this point is that of temporary signage. At the public hearing there were a number of businesses present requesting more consideration regarding the use of temporary signs. He met with those business owners about two weeks ago and they have made a formal request to allow the banner flag signs that are very popular right now and also to allow them to be placed in landscaping as opposed to current restrictions which allows just an "A" frame or pedestal sign located on a sidewalk near the front entrance. The City Council has not yet heard that request. At the request of the City Council, Staff did not bring the overall Code back before them in June because of complications with the budget and asked him to bring it back before them in July for adoption, which is scheduled for July 11th, which would include both the new Code and the new Zoning Map.

CITY COUNCIL MEETING DISCUSSION: Commissioner Grossman commented on what he had seen and heard during the last City Council meeting, which generated a lengthy discussion of the proposed budget.

OTHER BUSINESS: Mr. McGrath advised that the formal request to the Planning Commission to cancel the work session in July will be on the next Agenda for action. **Commissioner Fink** advised that File #14C12 and File #3S12 for the development and subdivision at 3011 West 6200 South was not ready to be heard this evening and will be continued until July 10th. **Commissioner Fink** advised that he will not be attending the next Planning Commission meeting as he will be on vacation.

ADJOURNMENT: By motion of **Commissioner Fazzini**, the meeting was adjourned at 8:13 p.m.



Respectfully submitted by Jean Gallegos, Administrative Assistant/Recorder for the Planning Commission

Approved in meeting held on September 11, 2012